IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

Bail Appl..No. 6299 of 2007()

CRIME NO.NOT KNOWN

PETITIONER/ACCUSED

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1. DAMODARAN NAIR, AGED 75 YEARS,
RESIDING AT MALAYIL HOUSE, EDAPPAVOOR P.O.,
AYOOR VILLAGE, RANNI TALUK, PATHANAMTHITTA DIST.

2. BHARGAVI AMMA, AGED 71 YEARS,
W/O DAMODARAN NAIR, MALAYIL HOUSE, EDAPPAVOOR P.O.
AYROOR VILLAGE, RANNI TALUK, PATHANAMTHITTA DIST.

3. SATHEESHKUMAR M.D., AGED 32 YEARS,
S/O DAMODARAN NAIR, MALAYIL HOUSE,
EDAPPAVOOR P.O., AYROOR VILLAGE, RANNI TALUK,
PATHANAMTHITTA DIST.

BY ADV. SRI.V.SANTHARAM
SRI.ANTO THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA,(CIRCLE INSPECTOR OF
POLICE, CHENGANNUR POLICE STATION, ALAPPUZHA
DISTRICT) REPRESENTED BY THE PUBLICE PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6299 of 2007

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Dated this the 17th day of October, 2007

ORDER

Petitioners are the parents-in-law aged about 75 years and 71 years and the husband respectively of one Sunitha Kumari. The petitioners apprehend that they may be arrested on the allegation that they have committed non bailable offence of matrimonial cruelty against the said Sunitha Kumari.

2. According to the 3rd petitioner, he was compelled to go to the police station and to sign certain letters/documents. He did not do the same voluntarily. He does not intend to stand by the same. In these circumstances, the petitioners apprehend that the Police may arrest them on the allegation of having committed non bailable offences. The learned Public Prosecutor after taking instructions submits that no crime has been registered against the petitioners. The petitioners are not required to be arrested in connection with any crime. However the learned Public Prosecutor submits that there was an earlier complaint and the matrimonial dispute between the spouses has been amicably settled with the 3rd petitioner agreeing to file a joint petition for divorce under the Hindu Marriage Act.

3. It is not necessary to go to the details of the dispute about the voluntariness and genuineness of such agreement/ documents. Suffice it to say that I accept the submissions of the learned Public Prosecutor that no crime is registered and petitioners are not required to be arrested in connection with any crime.

4. If in future, the petitioners are required to be arrested on the basis of any such complaint, in respect of any offence allegedly committed by the petitioners prior to this day against the said Sunitha Kumari, the petitioners shall be given notice and prior permission of this Court shall be sought by the Investigating Officer, submits the learned Public Prosecutor. I accept the submissions of the learned Public Prosecutor and do hereby make record of the same. In the light of the submissions of the learned Public Prosecutor the apprehension of the petitioners is found to be without any basis and this application is found to be without any merit. Hence this application for anticipatory bail is dismissed, recording the submissions of the learned Public Prosecutor.

(R.BASANT, JUDGE)

sj